

REMARKS

Claims 19, 20, 23 and 24 are currently pending, wherein claims 19 and 23 have been amended and claims 25-27 have been canceled. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

At the outset, Applicants would like to thank Examiner Mattis for the courtesy shown during the Interview conducted on September 10, 2009. During the Interview, the above amendment to claim 19 was discussed as well as the distinctions between the applied prior art. As noted in the Examiner's Interview Summary, the Examiner agreed that the limitations regarding remultiplexing streams into a single output stream as well as adding null packet to the remultiplexed stream is not taught by the cited prior art. It was agreed that Applicant would submit a Supplemental Amendment including similar limitations to independent claim 23.

In paragraph 3 of the Office action ("Action"), the Examiner rejects claims 17-19 and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,835,493 to Magee et al. ("Magee"), in view of U.S. Patent No. 5,533,021 to Branstad et al. ("Branstad"). Claims 17, 18, 21 and 22 have been canceled, rendering this rejection moot with regard thereto. Regarding claims 19 and 23 Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 19 and 23 are patentable over the combination of

Magee and Branstad for at least the reason that the combination fails to disclose each and every claimed element as noted by the Examiner in the Interview Summary.

In paragraph 4 of the Action, the Examiner rejects claims 20 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Magee in view of Branstad, further in view of U.S. Patent No. 6,901,209 to Cooper et al. ("Cooper"). Applicant respectfully traverses this rejection.

Claims 20 and 24 depend from independent claims 19 and 23 respectfully. Therefore, claims 20 and 24 are patentable over the combination of Magee and Branstad for at least those reasons presented above with respect to claims 19 and 23.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: September 24, 2009

Respectfully submitted,

By  9/24/09

Michael K. Mutter

Registration No.: 29,680

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000